

Application/Control Number : 10/015,764  
Art Unit: 3635  
October 13, 2003  
Page 5

**Remarks**

It is observed that the Examiner rejected claims 1-3 as being anticipated by Eriksson and claims 4-6 as being unpatentable over Eriksson.

Accordingly, the applicant has amended claim 1, as well as claim 6, in order to overcome the Examiner's rejections.

As can be seen, the amended claim 1 now recites as follows:

"A device for protecting lifting inserts having a tubular body, engageable by lifting means, during embedding thereof in a prefabricated concrete component, comprising: an elastically deformable element insertable in a first axial end of the tubular body of a lifting insert arranged to be directed outside from the prefabricated component for engagement with the lifting means, said elastically deformable element being provided so as to accommodate in an axial portion of said tubular body starting from said first axial end; expansion means for acting on said elastically deformable element to cause an axial compression thereof and a radial expansion thereof making said elastically deformable element to engage inside walls of said tubular body in order to prevent infiltration of concrete through said first axial end of said tubular body of the lifting insert."

The amended claim 1 is believed to be both new and unobvious over the prior art of record.

In particular, it is observed that the "element insertable in a first axial end of the tubular body of a lifting insert..." is said to be elastically deformable and in no way can be compared to element 64 of Eriksson (that is the only elastic element of Eriksson).

The elastically deformable element of the applicant's invention is element 2 which is inserted in the insert 4. On the contrary, the element of Eriksson that

Application/Control Number : 10/015,764  
Art Unit: 3635  
October 13, 2003  
Page 6

corresponds to applicant's element 2 is the element 40 that is surely not elastically deformable.

In addition, the element 2 of the applicant's invention is subjected to the action of expansion means that cause an axial compression and a radial expansion thereof.

Such operating condition is never possible in Eriksson since the expansion means of Eriksson are not able to cause an axial compression of the elastically deformable element due to the lack of deformability of element 40.

In view of the above, reconsideration of the application is respectfully requested and a favourable communication is solicited.

It will be noted that a sincere effort has been made to positively respond to all of the points raised by the Examiner.

While it is believed that the amended claims properly define the present invention, applicant would be open to any suggestion the Examiner may have concerning different claim phraseology which, in the Examiner's opinion, more accurately defines the present invention.

Respectfully submitted,



Guido MODIANO (Reg. No. 19,928)  
Agent for the Applicant

Date: October 13, 2003

Address: Via Meravigli 16, 20123 MILAN-ITALY  
Telephone: (from USA) (011)(39)(02)8590-7777  
Telefax: (from USA)(011)(39)(02)863-860

RECEIVED  
CENTRAL FAX CENTER

OCT 14 2003

OFFICIAL